

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

FILED
IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

2010 NOV 17 PM 4:43
10-CVS-23038
MECKLENBURG CO., C.S.C.

THE CARLISLE APARTMENTS, L.P.;
and MCCULLOUGH HARRIS, LLC,

Plaintiffs,

VS.

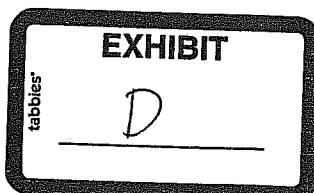
RECAP INVESTMENTS XI-FUND A,
L.P.; RECAP INVESTMENTS XI-FUND
B, L.P.; CARLISLE GP, INC. and GREP
SOUTHEAST, LLC;

Defendants.

ORDER

After considering the Complaint and Motion for Temporary Restraining Order, the Affidavit of Donald Phillips, and arguments of counsel, the Court denies Plaintiffs' Motion for Temporary Restraining Order. By hearing this motion and making this Order, the Court has not ruled on the appropriateness of jurisdiction over this legal action. The Court reserves ruling on jurisdictional issues until such issues are properly brought before the Court.

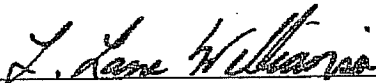
The Court finds that there is not a sufficient basis to grant a temporary restraining order. The Plaintiffs' motion for a temporary restraining order is hereby **DENIED**. The Court makes no findings of fact in this Order.



The Court's denial of Plaintiffs' motion for a temporary restraining order shall not impact any motion for injunctive relief at a later date. Plaintiffs are free to seek injunctive relief on an expedited basis and the Court hereby shortens the time for notice of a hearing for injunctive relief from 5 days to 24 hours.

Defendants shall make no representation to any court of this ruling other than providing a copy of the Order.

SO ORDERED this 17th day of November, 2010.



Judge Lane Williamson
Mecklenburg County Superior Court

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **ORDER** was delivered to each of the below listed person(s) this date by facsimile, email and by placing the same in an official depository under the exclusive care and custody of the United States Postal Service, addressed as follows:

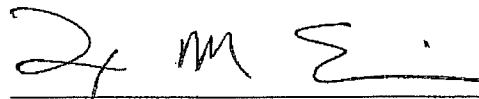
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THIS is the 17th day of November, 2010.



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